



February 2, 2004

HOUSE BILL No. 1296

DIGEST OF HB 1296 (Updated February 2, 2004 10:59 am - DI 51)

Citations Affected: IC 6-1.1; noncode.

Synopsis: Tax levies for community mental health centers. Eliminates supplemental tax rates that may be imposed to support a community mental health center from the list of rates that must be reduced to eliminate the effects of reassessment.

Effective: December 12, 2003 (retroactive); upon passage.

Klinker, Espich, Austin, Scholer

January 15, 2004, read first time and referred to Committee on Ways and Means.
February 2, 2004, amended, reported — Do Pass.

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HB 1296—LS 7343/DI 51+



February 2, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1296

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-18-12, AS ADDED BY P.L.1-2004,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 DECEMBER 12, 2003 (RETROACTIVE)]: Sec. 12. (a) For purposes
4 of this section, "maximum rate" refers to the maximum:

5 (1) property tax rate or rates; or
6 (2) special benefits tax rate or rates;
7 referred to in the statutes listed in subsection (d).

8 (b) The maximum rate for taxes first due and payable after 2003 is
9 the maximum rate that would have been determined under subsection
10 (e) for taxes first due and payable in 2003 if subsection (e) had applied
11 for taxes first due and payable in 2003.

12 (c) The maximum rate must be adjusted:
13 (1) each time an annual adjustment of the assessed value of real
14 property takes effect under IC 6-1.1-4-4.5; and
15 (2) each time a general reassessment of real property takes effect
16 under IC 6-1.1-4-4.

17 (d) The statutes to which subsection (a) refers are:

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1 (1) IC 8-10-5-17;
 2 (2) IC 8-22-3-11;
 3 (3) IC 8-22-3-25;
 4 (4) IC 12-29-1-1, as it applies to community mental
 5 retardation and other developmental disabilities center only;
 6 (5) IC 12-29-1-2, as it applies to community mental
 7 retardation and other developmental disabilities center only;
 8 (6) IC 12-29-1-3, as it applies to community mental
 9 retardation and other developmental disabilities center only;
 10 ~~(7) IC 12-29-2-13;~~
 11 ~~(8)~~ (7) IC 12-29-3-6;
 12 ~~(9)~~ (8) IC 13-21-3-12;
 13 ~~(10)~~ (9) IC 13-21-3-15;
 14 ~~(11)~~ (10) IC 14-27-6-30;
 15 ~~(12)~~ (11) IC 14-33-7-3;
 16 ~~(13)~~ (12) IC 14-33-21-5;
 17 ~~(14)~~ (13) IC 15-1-6-2;
 18 ~~(15)~~ (14) IC 15-1-8-1;
 19 ~~(16)~~ (15) IC 15-1-8-2;
 20 ~~(17)~~ (16) IC 16-20-2-18;
 21 ~~(18)~~ (17) IC 16-20-4-27;
 22 ~~(19)~~ (18) IC 16-20-7-2;
 23 ~~(20)~~ (19) IC 16-23-1-29;
 24 ~~(21)~~ (20) IC 16-23-3-6;
 25 ~~(22)~~ (21) IC 16-23-4-2;
 26 ~~(23)~~ (22) IC 16-23-5-6;
 27 ~~(24)~~ (23) IC 16-23-7-2;
 28 ~~(25)~~ (24) IC 16-23-8-2;
 29 ~~(26)~~ (25) IC 16-23-9-2;
 30 ~~(27)~~ (26) IC 16-41-15-5;
 31 ~~(28)~~ (27) IC 16-41-33-4;
 32 ~~(29)~~ (28) IC 20-5-17.5-2;
 33 ~~(30)~~ (29) IC 20-5-17.5-3;
 34 ~~(31)~~ (30) IC 20-5-37-4;
 35 ~~(32)~~ (31) IC 20-14-7-5.1;
 36 ~~(33)~~ (32) IC 20-14-7-6;
 37 ~~(34)~~ (33) IC 20-14-13-12;
 38 ~~(35)~~ (34) IC 21-1-11-3;
 39 ~~(36)~~ (35) IC 21-2-17-2;
 40 ~~(37)~~ (36) IC 23-13-17-1;
 41 ~~(38)~~ (37) IC 23-14-66-2;
 42 ~~(39)~~ (38) IC 23-14-67-3;

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~~(40)~~ (39) IC 36-7-13-4;
~~(41)~~ (40) IC 36-7-14-28;
~~(42)~~ (41) IC 36-7-15.1-16;
~~(43)~~ (42) IC 36-8-19-8.5;
~~(44)~~ (43) IC 36-9-6.1-2;
~~(45)~~ (44) IC 36-9-17.5-4;
~~(46)~~ (45) IC 36-9-27-73;
~~(47)~~ (46) IC 36-9-29-31;
~~(48)~~ (47) IC 36-9-29.1-15;
~~(49)~~ (48) IC 36-10-6-2;
~~(50)~~ (49) IC 36-10-7-7;
~~(51)~~ (50) IC 36-10-7-8;
~~(52)~~ (51) IC 36-10-7.5-19; and
~~(53)~~ (52) any statute enacted after December 31, 2003, that:
 (A) establishes a maximum rate for any part of the:
 (i) property taxes; or
 (ii) special benefits taxes;
 imposed by a political subdivision; and
 (B) does not exempt the maximum rate from the adjustment
 under this section.
 (e) The new maximum rate under a statute listed in subsection (d)
 is the tax rate determined under STEP SEVEN of the following STEPS:
 STEP ONE: Determine the maximum rate for the political
 subdivision levying a property tax or special benefits tax under
 the statute for the year preceding the year in which the annual
 adjustment or general reassessment takes effect.
 STEP TWO: Determine the actual percentage increase (rounded
 to the nearest one-hundredth percent (0.01%)) in the assessed
 value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the
 taxable property from the year preceding the year the annual
 adjustment or general reassessment takes effect to the year that
 the annual adjustment or general reassessment takes effect.
 STEP THREE: Determine the three (3) calendar years that
 immediately precede the ensuing calendar year and in which a
 statewide general reassessment of real property does not first take
 effect.
 STEP FOUR: Compute separately, for each of the calendar years
 determined in STEP THREE, the actual percentage increase
 (rounded to the nearest one-hundredth percent (0.01%)) in the
 assessed value (before the adjustment, if any, under
 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
 STEP FIVE: Divide the sum of the three (3) quotients computed

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1 in STEP FOUR by three (3).

2 STEP SIX: Determine the greater of the following:

3 (A) Zero (0).

4 (B) The result of the STEP TWO percentage minus the STEP
5 FIVE percentage.

6 STEP SEVEN: Determine the quotient of the STEP ONE tax rate
7 divided by the sum of one (1) plus the STEP SIX percentage
8 increase.

9 (f) The department of local government finance shall compute the
10 maximum rate allowed under subsection (e) and provide the rate to
11 each political subdivision with authority to levy a tax under a statute
12 listed in subsection (d).

13 **SECTION 2. [EFFECTIVE UPON PASSAGE] For property taxes**
14 **first due and payable in 2004, the department of local government**
15 **finance shall make the changes under IC 6-1.1-17-16 that are**
16 **needed to account for the changes in tax rates that result from**
17 **IC 6-1.1-18-12, as amended by this act. The requirements of**
18 **IC 6-1.1-17-16(c), IC 6-1.1-17-16(d), and IC 6-1.1-17-16(h) do not**
19 **apply to an action under this SECTION. The department of local**
20 **government finance shall certify the results of the changes made**
21 **under this SECTION in the manner provided in IC 6-1.1-17-16(f).**

22 **SECTION 3. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1296 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 24, nays 0.

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